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many as are found in the last previous work on architectural law. The author writes for three classes, laymen, architects and lawyers, and in view of the wants of the first two, has put in a great deal of elementary explanation. Part I., comprising 119 pages, is a discussion of the Law of Contracts; and in Part IV., Engineers' and Architects' Employment, there is a good deal of space devoted to ordinary master and servant law. Sometimes this solicitude for the non-legal reader becomes ludicrous. In § 815, we read "Alabama affords a case where an architect who took the plans and specifications away from an unfinished building was prosecuted by the builder for larceny [stealing]." The translation in brackets is delicious.

Mr. T. M. Clark gives a good reason for a distinct book on this subject. He says that no controversies are tried before the courts with so little satisfaction to the litigants and their counsel, as building cases, for the reason that the extremely technical points involved require for their mastery more study than the busy lawyer can give them. Mr. Wait's work will do much to take away this cause for dissatisfaction, if exhaustive collocation of authorities can do it. Few, if any, of the cases are missing, we believe. Such tests as we have applied since the book has been in our possession lead us very positively to this conviction.

The text of a work like Mr. Wait's, from its technicality and the fact that its author is somewhat more familiar with architecture than with law, will almost necessarily be prepared directly from judicial determinations, giving the statements of the law in the very words of the judges rather than on the author's own authority. When we consider, however, how many "commentaries" so-called, written by men eminent for their legal attainments, have been prepared in the same way, we need throw no stones at Mr. Wait for his method. The most approved modern plan, as judged by the out-put of the publishers, rigidly excludes independent discussion of principles, reduces authors to compilers, and treatises to digests. We will have no "theory." All must be "practical"—the best calculated to help a busy grubbing *casidicum*, whose brief must now be in. This prevalent notion is not adhered to by Mr. Wait all the way through. He shows a refreshing disposition to express a mind of his own when he treats of the special duties of the architect. See in particular Chapter XXXIV., "Employment of an Engineer or Architect as an Expert Witness." R. W. W.

A TREATISE ON THE LAW OF CARRIERS OF PASSENGERS. Two Volumes. By NORMAN FETTER. St. Paul, Minn.: West Publishing Co. 1897.

This work possesses in a large measure that quality of practical utility for which the West Publishing Company's publications are now well known. To it, as well as to the other works of the same firm, the criticism applies, that while a most excellent and well arranged digest of the existing law, and while filling a want which all books of ready reference fill, yet it can neither be said to

exhaust the existing knowledge of the subject, nor to add anything to the theoretical discussion of the principles on which the law of carriers is based. The avowed purpose of the work is "to state the law," to set forth in an orderly manner the living law on this subject as it exists to-day. This it does, and in doing it some thirty-six hundred cases are either cited or quoted. The authorities have been carefully searched and analyzed, and we are convinced that the work contains a clear and, in the main, accurate statement of the law on this subject as it now exists.

The fifteen hundred and fifty-four pages (exclusive of table of cases and index) contained in the two volumes are divided into forty-two chapters, of which eight are devoted to what might be called the carriers' general duty of care; four more to particular duties of care; four to contributory negligence; six to procedure generally; one to procedure in regard to baggage; and three to damages. At the end of the first chapter there is a discussion of the views relating to the province of court and jury on the question of negligence, and appended is an exhaustive note containing the language used by numerous courts on this subject. In Chapter XV., on the question of "Who are Passengers?" the author, under § 217, in speaking of employes, devotes a short note (p. 566) to *O'Donnell v. R. R.*, 59 Pa. 239 (1869), and should have stated that the carpenter, who was there held a passenger, was employed by an independent bridge contractor and not directly by the railway company. Chapter XVII. contains a very thorough discussion of the duty to carry punctually and to the destination, but seems misplaced, its natural position being with the other chapters, on the duty to passengers.

A chapter on "Receivers and Mortgage Trustees as Carriers" is very acceptable and, we feel, deserving of more extended discussion. The subject treated most at length and which will undoubtedly be the most appreciated by active practitioners, is that on procedure, covering forms of action, parties, pleading, evidence and practice. Damages, also, are given a prominence not far short of that awarded to procedure, and it is with no desire to detract from the importance of this part of Mr. Fetter's work, that we take exception to a statement made on p. 1380, where it is said that the Supreme Court of Pennsylvania has not the power to interfere with a verdict, because the damages awarded are excessive. This was perhaps true before the Act of May 20, 1891, P. L. 101, which declared that "The Supreme Court shall have power in all cases to affirm, reverse or modify, a judgment, order or decree appealed from . . . and may order a verdict of judgment set aside and a new trial had." In the libel case of *Smith v. Times Pub. Co.*, 178 Pa. 482, the Supreme Court set aside a verdict for \$45,000 as excessive.

In conclusion, stress should be laid on the admirable arrangement, division and sub-division of this great mass of law, by which the lawyer is brought into easy and quick contact with the law on any point arising out of the carriage of passengers, whether by land or by sea.